UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SCOTT ANDREW WITZKE,

      Plaintiff,   Case No. 07-10085

v.   Honorable John Corbett O'Meara

MICHAEL STIEBER, MICHELLE
JACKSON-HORNES, JOHN RUBITSCHUN,
and PATRICIA CARUSO,

      Defendants.

_____/

ORDER DISSOLVING TEMPORARY RESTRAINING ORDER AND DENYING PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

This matter came before the court on plaintiff Scott Witzke's January 4, 2007 motion for preliminary injunction.[1] Defendants filed a response January 10, 2007; and oral argument was heard January 11, 2007.

In determining whether to issue a preliminary injunction, the court must consider, among other things, whether the movant will suffer irreparable harm if the injunction is not issued. Leary v. Doeschner, 228 F.3d 729, 736 (6th Cir. 2000). The court finds that at this time plaintiff Witzke would not suffer irreparable harm without the injunction. The court will retain jurisdiction over this matter; however, Plaintiff must exhaust all administrative remedies that are available to him in the state parole system before filing any further pleadings in this court unless the defendants take punitive or coercive action against Plaintiff, in which case he may file an appropriate motion.

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[1] The court granted Plaintiff's January 4, 2007 motion for temporary restraining order on January 5, 2007.

For the reasons set forth on the record January 11, 2007, it is hereby **ORDERED** that the

January 5, 2007 motion for temporary restraining order is **DISSOLVED.**

It is further **ORDERED** that the January 4, 2007 motion for preliminary injunction is

DENIED.

                                             s/John Corbett O'Meara
                                             United States District Judge

Dated: January 17, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, January 17, 2007, by electronic or ordinary mail.

                                             s/William Barkholz
                                             Case Manager